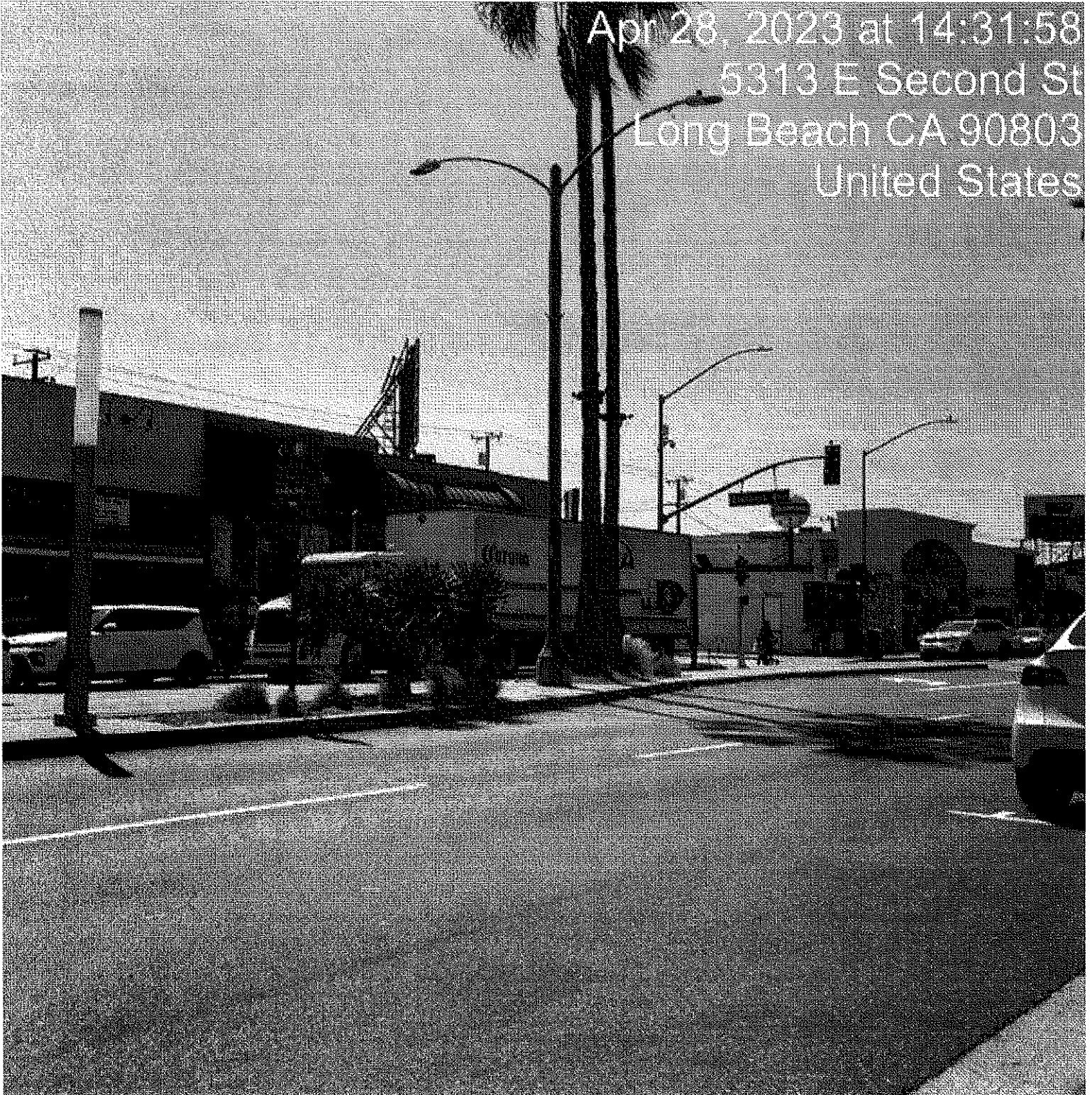


April 28, 2023 at 2:00:08 PM  
16,116 of 16,247



Apr 28, 2023 at 14:31:58  
5313 E Second St  
Long Beach CA 90803  
United States



Apr 28, 2023 at 15:26:04  
5305 E Second St  
Long Beach CA 90803  
United States



Good Evening Mayor Richardson and City Council Members,

I, Julie Dean, and others with mobility issues are in need of protection and intervention to see that safety standards are enforced.

I take the bus frequently, with 6-14 trips a week. I happened to get off one stop early this past Friday, April 28 in order to take care of some business. Thank goodness I did because as I was scooting home, I saw that a large delivery truck was parked at my normal bus stop at Glendora and 2nd. Had I stayed on the bus, I would not have been able to exit because of that delivery truck. I would have had to travel to Naples and then scoot back across the bridge to home. What about people with canes, walkers, visual disabilities, the elderly? This is an unfair burden.

I don't know the exact time the truck arrived, but I have photos (in your packets) of the truck parked in the bus stop from 2 until 3:26pm. According to the LB Transit schedule, that means at least four buses were not able to stop at that bus stop. There might have been more but I don't know the exact time the driver arrived. I spoke to the driver and explained to him that he was not allowed to stop there and how it impacted those with disabilities; he simply shrugged and said he couldn't find any other parking.

A few weeks ago, on one round trip from Belmont Shore to downtown, my bus driver had to deal with three incidents of delivery trucks in bus stops on 2nd St alone, the last one requiring me to exit the bus one stop later.

I and others have been trying since the fall of 2021 to get this problem corrected. I have spoken numerous times about this at meetings of our City Council, LB Transit Board of Directors, Citizens' Advisory Commission on Disabilities, and the Belmont Shore Parking and Business Improvement Area Advisory Commission. Yet it continues. And yes, as one can imagine, it's worse when there are parklets on 2nd Street.

While everyone has been empathetic and receptive to the discussion, we're now at the Curb Management Plan pilot study which would address the situation but would come along well after the permanent parklets are built.

It is illogical to put permanent parklet approvals forward until the study is done - why would we put the cart before the horse?

Please remember a parklet does not mean simply 1 or 2 parking spaces, it also means additional parking spaces required for 12-24 patrons of the parklet and those needed by the increased staff required to support the parklet patrons. The recent photos shared at the last few parking commission meetings show that the businesses requesting parklets have minimal staff members using the free bus ride program. This only hurts the situation more.

And remember, the delivery truck/bus space issue is created by trucks delivering to the very businesses who are asking for permanent parklets.

I am imploring you all to consider how this can be corrected. Please keep in mind we have dozens of photos of delivery trucks at 2nd St bus stops - and those are just the ones we've seen.

Thank you, Julie Dean



Goldstein, Borgen,  
Dardarian & Ho

Shareholders  
Linda M. Dardarian  
Laura L. Ho  
James Kan  
Andrew P. Lee

Of Counsel  
Barry Goldstein  
David Borgen  
Morris J. Baller

June 13, 2022

**Via U.S. Mail & E-Mail**  
Mayor@longbeach.gov<sup>1</sup>

The Honorable Robert Garcia, Mayor  
City Council Members  
City of Long Beach  
411 W. Ocean Blvd  
Long Beach, CA 90802

Re: Sidewalk Access for Persons with Mobility Disabilities

Dear Mayor Garcia and Council Members:

We are Class Counsel in *Ochoa et al. v. City of Long Beach*, Case No. 2:14-cv-04307-DSF-FFM (C.D. Cal.). The *Ochoa* matter is a certified class action filed on behalf of persons with mobility disabilities who allege that the City’s pedestrian right of way is not accessible as required by state and federal disability anti-discrimination laws. The parties reached a settlement in 2017 that has been entered as a binding order of the federal court, and has a thirty-year term (through 2047). The settlement requires the City to improve the accessibility of its curb ramps, sidewalks, and other pedestrian facilities over that thirty-year period. Class Counsel has a duty to ensure that the City meets its obligations under the settlement and to represent the interests of the certified class of persons with mobility disabilities in the *Ochoa* matter.

We write to address sidewalk access for persons with mobility disabilities as it relates to the City’s Temporary and Permanent Parklet Programs. Members of the certified class have provided us with photographs showing tables, chairs, signs, planters, and even semi-permanent structures that reduce the clear width of the pedestrian right of way adjacent to parklets located on and around 2<sup>nd</sup> Street in the Belmont Shores neighborhood. Those photographs also show bar and restaurant patrons congregating on sidewalks near parklets. Such obstructions deny access to persons with mobility disabilities. The conditions depicted in the photographs are consistent with the May 12, 2022 correspondence sent to you by the Citizen’s Advisory Committee on Disability stating that their members have experienced sidewalks adjacent to parklets in which “5 feet of clear pedestrian access is not maintained nor enforced” and is “being crossed and encroached by wait staff, restaurant customers and other members of the public, and sidewalk furniture without regard to pedestrians.”

We understand that the City’s Temporary Parklet Program is scheduled to sunset on June 30, 2022, and that the City is currently considering whether to extend the program to allow businesses to submit applications to make their parklets permanent. We take no position on

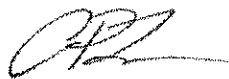
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<sup>1</sup> This correspondence was also sent to individual Council Members at their district email addresses.

whether the City should extend the Temporary Parklet Program or allow permanent parklets. We emphasize, however, that the City has a binding, court-enforceable obligation to ensure the accessibility of its pedestrian rights of way. In addition to the requirements of state and federal disability anti-discrimination laws, the *Ochoa* settlement requires the City to “maintain the accessible features of its Pedestrian Facilities so that persons with Mobility Disabilities will be able to use such routes safely and independently.” Settlement Agreement and Release of Claims § 14.1.<sup>2</sup> Moreover, the *Ochoa* settlement requires the City to “draft and implement written policies and procedures which enforce the City’s current code requirements ensuring access to Pedestrian Facilities that are used by third parties, including but not limited to barriers caused by signage, tables and chairs, and other items installed or erected by third-parties.” *Id.* § 16.2.2. We trust that the City will meet its obligations under the *Ochoa* settlement.

Thank you for your consideration of the foregoing. To the extent Class Counsel may be of assistance to the City in addressing pedestrian right of way issues related to parklets, please do not hesitate to contact us.

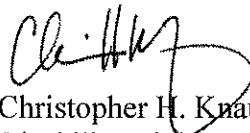
Respectfully,



Andrew P. Lee  
Goldstein, Borgen, Dardarian & Ho



Meredith Weaver  
Disability Rights Advocates



Christopher H. Krauf  
Disability Rights Legal Center

APL/kbm

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<sup>2</sup> A complete copy of the *Ochoa* settlement agreement is available at <https://gbdhlegal.com/wp-content/uploads/cases/Proposed-Settlement-Agreement.pdf>.

Date: May 31, 2022

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager 

Subject: **Parklet Program Recommendation from CACoD**

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On Thursday, May 12, 2022 the Citizen's Advisory Commission on Disabilities (CACoD) approved a letter of recommendation (Attached) asking the City of Long Beach to consider reevaluating the use of temporary and permanent parklets. This letter was written, in part, to address the scheduled June 30, 2022 sunset of the temporary parklet program.

If you would like any further information regarding this communication, please contact Heather Van Wijk, Special Projects Officer, at (562) 570-6257 or [heather.vanwijk@longbeach.gov](mailto:heather.vanwijk@longbeach.gov).

ATTACHMENT

Cc: CHARLES PARKIN, CITY ATTORNEY  
DOUGLAS P. HAUBERT, CITY PROSECUTOR  
LAURA L. DOUD, CITY AUDITOR  
LINDA F. TATUM, ASSISTANT CITY MANAGER  
TERESA CHANDLER, DEPUTY CITY MANAGER  
APRIL WALKER, ADMINISTRATIVE DEPUTY CITY MANAGER  
KEVIN LEE, CHIEF PUBLIC AFFAIRS OFFICER  
MONIQUE DE LA GARZA, CITY CLERK  
ERIC LOPEZ, DIRECTOR, PUBLIC WORKS  
DEPARTMENT HEADS

**CITY OF LONG BEACH  
CITIZEN'S ADVISORY COMMISSION ON DISABILITIES**

Kim Vuong, Chair  
VACANT, Vice Chair  
Dr. Gretchen Swanson, Secretary  
Stephen Adams, Commissioner



Nubia Flores, Commissioner  
Marissa Gonzalez, Commissioner  
Jeremy Hill, Commissioner  
Dr. Chris Karadjov, Commissioner  
Dr. Nicholas Matthews, Commissioner

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May 12, 2022

Mayor and Councilmembers  
Tom Modica, City Manager  
411 W Ocean Blvd  
Long Beach, CA 90802

Re: Parklets that promote Mobility for All in the City of Long Beach

Almost immediately, the COVID pandemic took a toll on small businesses in Long Beach, including restaurants and bars. For many of these restaurants and bars to remain open, the City understandably created a temporary parklet program which allowed for outside dining in spaces this would normally not be permitted. We are relieved that our City is now beginning to return to normalcy, including inside gatherings, and moving forward economically.

Now is the time to re-evaluate the City-permitted temporary parklet program. CACoD has been made aware that many of the temporary parklets approved during the pandemic have unintentionally resulted in right-of-way restrictions, and at times inaccessibility, for our disability community. Although there have been attempts to enforce 5 feet of clear pedestrian access, this must be a temporary measure allowed during the pandemic. We know and have experienced along several corridors that the 5 feet of clear pedestrian access is not maintained nor enforced, being crossed and encroached by wait staff, restaurant customers and other members of the public, and sidewalk furniture without regard to pedestrians.

Our City includes residents and visitors who use a range of mobility devices, including manual and electric wheelchairs and scooters, walkers, walking canes, and all-white or red-tipped canes. Additionally, our residents and visitors with hearing loss require additional visual clues and support to navigate comfortably and safely.

With the impending sunset of the temporary parklets on June 30, 2022 and to sustain our economic viability – we urge the City and its departments to re-evaluate the parklets with our disability community in mind, and not after complaints are made. Additionally, we recommend a thoughtful accessibility review beyond ADA compliance before approving anymore future permanent parklets.

Lastly, we recommend that programs such as our City's Mobility Team and the Health Department's Walk-N-Roll Program design accommodating strategies to encourage *mobility for all*.

Thank you for your time and consideration.

Sincerely,

The Citizen's Advisory Commission on Disabilities (CACoD)

Cc: Eric Lopez, Director, Department of Public Works